

REMARKS

The Applicant thanks the Examiner for his attention to this case and for his comments thereon. Independent claims 1, 5 and 10 have been amended to incorporate the subject matter previously recited in claim 8. Each of the independent apparatus claims now recites that the base includes a spigot projecting from the oppositely directed side and that the spherical bearing has a through bore to receive the spigot. The through bore has a counter bore of greater diameter than the through bore at an end of the through bore that is remote from the base. This counterbore permits enlargement of the spigot to retain the spherical bearing on the spigot.

The Examiner rejected previous claims 5 through 15 under 35 USC 102b as being anticipated by Engel. The Examiner has identified the counterbore previously recited in Claim 8 at the end of the bore 68. The amendment to claim 5 specifies that the spherical bearing has a through bore and that through bore has a counterbore of greater diameter in the through bore that permits enlargement of the spigot. Such a structure is not shown in Engel. The through bore recited in claim 5 is to receive the spigot and that through bore has a counterbore of greater diameter. No such counterbore is disclosed in the Engel reference. The bore to receive the spigot is item 68 and there is no counterbore of greater diameter than bore 68 shown in Engel. Accordingly, it is believed that claim 5 as amended is not anticipated by the Engel reference.

A similar amendment is being made to claim 1 directed to the hydraulic machine and claim 10 directed to the piston assembly. Accordingly, claim 10 and the claims dependent thereon are not anticipated by the Engel reference.

Claims 1 to 3 recite the provision of the counterbore which is not taught in the Engel reference and therefore cannot render those claims obvious in view of Engel. The secondary reference of Ito similarly does not disclose the features recited in amended claim 1 and accordingly the combination of Engel and Ito cannot teach the structure specifically recited in claim 1. As such, claim 1 as amended cannot be considered obvious in view of the combination of Engel and Ito.

Similarly, claim 4, which depends from claim 1, cannot be rendered obvious in view of the combination of Engel, Ito and Kristensen. Kristensen likewise fails to teach the provision of the counterbore recited in claim 1 and as such, the combination made by the Examiner fails to teach each and every element recited in the claim. As such, the combination does not render claim 4 obvious.

Claim 16 has been amended to incorporate the subject matter of claim 17 previously on file. The Examiner rejected claim 16 and 17 as anticipated by Stoppek. The Examiner refers to column 3, lines 53 through 62 as disclosing the step of applying a radial load about the equator of the spherical bearing after the walls conform to the surface. However, the Stoppek reference makes no reference to subsequent application of a radial force after the crimping step described at column 3, lines 53 through 62. The Stoppek reference is directed to the method of forming a composite piston and indicates that the method of attachment of the ball to the socket is conventional. It does not explain how crimping is performed so as to achieve the pivotal movement between the ball and the piston.

Claim 16 as amended, specifically recites that there is an initial step of deformation and after the walls conform to the surface, a radial load is applied about the equator. As described in the application, this radial load has the effect of displacing the material and achieve the free pivotal movement. No such teachings can be found in the Stoppek reference and accordingly, it is believed that claim 16 as amended is not anticipated by the Stoppek reference.

The allowability of claim 18 is noted with appreciation but it is believed that in view of the amendment and comments above, claim 16 as amended is also allowable.

Accordingly, the Applicant believes that the present application distinguishes over the art cited by the Examiner and further action to allowance is respectfully requested.

Respectfully submitted,

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